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In re Application of :
LANTSBUY, Denis et al. :
Application No.: 10/555,650 : DECISION ON
PCT No.: PCT/GB2004/002003 :
Int. Filing Date: 07 May 2004 : PETITION
Priority Date: 09 May 2003 :
Attorney Docket No.: 124143-00101 : UNDER 37 CFR 1.183
For: WHEEL STUDS :

This decision is in response to applicant's "Petition Under 37 C.F.R. §1.183," filed on 18 June 2007.

BACKGROUND

On 07 May 2004, applicant filed international application PCT/GB2004/002003, which claimed a priority date of 09 May 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 18 November 2004. The deadline for entry into the national stage in the United States was thirty months from the priority date, 09 November 2005.

On 04 November 2004, applicant submitted a transmittal letter to the national office accompanied by the basic national fee.

On 17 November 2006, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration was required.

On 18 June 2007, applicant submitted a declaration of the inventors, the fee for a five month extension of time and a petition under 37 CFR 1.183.

DISCUSSION

The petition fee for the petition under 37 CFR 1.183 will be charged to deposit account no. 23-2185, as authorized.

Mr. Higgins submitted a declaration executed by the two inventors. The declaration directs correspondence to the above address. 37 CFR 1.33(a)(2). Mr. Higgins files this petition to redirect correspondence back to himself at Blank Rome LLP. Mr. Higgins is currently filing papers under 37 CFR 1.34, in a capacity specifically excluded from the authorization to change correspondence address under 37 CFR 1.33(a)(2).

Provision 37 CFR 1.183 states:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party...

Mr. Higgins has not demonstrated that he represents an interested party. See 37 CFR 3.71, has not explained why justice requires waiver of 37 CFR 1.33 or explained why provisions 37 CFR 3.71 and 37 CFR 1.33(b)(3) allowing the assignee to prosecute the application and to change the correspondence address, respectively, are insufficient.

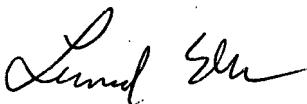
CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.183 is **DISMISSED** without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.183."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 18 June 2007.



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